

**Channel Islands National Marine Sanctuary
Sanctuary Advisory Council**

FINAL Meeting Notes

January 25, 2008

Casa Las Palmas

323 E. Cabrillo Blvd. · Santa Barbara, CA

Attending:

<u>Government Representatives:</u>	<u>Community Representatives:</u>
<u>NOAA Fisheries</u>	<u>Tourism</u>
Member Melissa Neuman	Member Lauri Baker
Alternate Elizabeth Petras	Alternate Andrea Moe
<u>National Park Service</u>	<u>Non-Consumptive Recreation</u>
Member Russell Galipeau	Member Scott Dunn
<u>US Coast Guard</u>	<u>Business</u>
Member Ronald Fien	Alternate Manny Aschemeyer
Alternate Scott Young	<u>Conservation</u>
<u>Minerals Management Service</u>	Member Linda Krop
Alternate Donna Schroeder	Alternate Greg Helms
<u>Department of Defense</u>	<u>Commercial Fishing</u>
Member Steven Schwartz	Member Jim Marshall
Alternate Walt Schobel	Alternate Bruce Steele
<u>CA Department of Fish and Game</u>	<u>Recreational Fishing</u>
Alternate John Ugoretz	Member David Bacon
<u>Santa Barbara County</u>	Alternate Merit McCrea
Member Dianne Black	<u>Education</u>
Alternate Michelle Gibbs	Alternate Dan Powell
	<u>Research</u>
	Member Bob Warner
	Alternate Bernardo Broitman
	<u>Public-At-Large</u>
	Member Phyllis Grifman
	Member Eric Kett

Absent:

<u>Government Representatives:</u>	<u>Community Representatives:</u>
<u>National Park Service</u>	<u>Non-Consumptive Recreation</u>

Alternate	vacant	Alternate	Carolyn Greene
<u>Minerals Management Service</u>		<u>Business</u>	
Member	Dr. Fred Piltz	Member	Bill Spicer
<u>CA Department of Fish and Game</u>		<u>Education</u>	
Member	Marija Vojkovich	Member	vacant
<u>CA Resources Agency</u>		<u>Public-At-Large</u>	
Member	Brian Baird	Alternate	vacant
Alternate	Amy Boone	Alternate	vacant
<u>CA Coastal Commission</u>		<u>Chumash Community</u>	
Member	Steve Hudson	Member	Paulette Cabugos
Alternate	Barbara Carey	Alternate	Reggie Pagaling
<u>Ventura County</u>			
Member	Lyn Krieger		
Alternate	Marilyn Miller		

Attendance

13 of the Council's 21 voting seats were present at roll call, subsequently increasing to 16 voting seats. The total number of Council representatives (members and alternates) peaked at 24. Public attendance varied throughout the day from 8 to 13 people.

Administrative Business and Announcements

New Members

Donna Schroeder was introduced as the new alternate for the Minerals Management Service (MMS) seat. She replaces Ann Bull. Donna is the fish and fisheries subject matter expert for the Pacific OCS regional office of MMS.

Meeting Notes

The November 16, 2007 draft meeting notes were unanimously adopted as final (motion by Capt. Manny Aschemeyer, seconded by Jim Marshall).

Superintendent's Report

Sanctuary Superintendent Chris Mobley highlighted several items in the Superintendent's Report (provided to all SAC members and the attending public and available at

<http://www.channelislands.noaa.gov/sac/super.html>). Chris introduced new staff: Ensign Matt Davis (CINMS Vessel Operations Officer), and Lacey Lopez (CINMS Chumash student intern).

Chris also mentioned that Congress had finally given NOAA a budget for the current fiscal year, and that for CINMS it will work out to be just a little bit better budget than the worst-case scenario that Sanctuary staff had planned for. Chris described how the F/V *Alegria* was recently successfully salvaged (in one piece) from the beach it had run aground on along the north shore of Santa Rosa Island. Chris also reported that 20 applications had been received for the open seats on the Advisory Council, and that they are currently under review. He also mentioned that the application period had been extended until February 10 for the Tourism alternate position and the Chumash Community seat.

Council Member Announcements:

Bob Warner encouraged all members to attend the Marine Reserves Symposium on February 7th and 8th, 2008.

Eric Kett announced that he has been out on the water recently and the islands look really good.

Manny Aschemeyer announced that the Marine Exchange of Southern California participated in an internal review with the Coast Guard as a result of the Cosco Busan oil spill. All VTS operations are going to be subject to an evaluation as a result of Cosco Busan. Regulations for training and education are being tightened. The USCG investigation does not have anything to do with the NTSB investigation; they are separate. The bad news is that there has been another collision in the New York area. There was also another collision in San Francisco bay, but no oil was spilled, and a ferry collision in SF Bay. The volume of vessel traffic was down in Long Beach Harbor in 2007, and the recent economic downturn will continue to affect this. The revenue of the Marine Exchange is ship dependent, but reduced traffic may help to reduce collisions with whales.

Chris Mobley added that the Cosco Busan affected the Gulf of the Farallones National Marine Sanctuary (GFNMS) and their staff was involved in every aspect of the response and damage assessment. As a result, CINMS is increasing staff training for spill response. GFNMS had a lot of data about the beaches and seabirds before the spill and that helps in the damage assessment.

Steve Schwartz announced that there was some wild weather at Point Mugu yesterday, with high winds hitting one of the hangars and causing some substantial damage.

Phyllis Grifman distributed a flyer for a workshop on “managing visitor use in marine and coastal protected areas” on April 29, 2008. The workshop is focused on islands. Sea Grant has finished a round of workshops to provide input to the West Coast Governors agreement.

John Ugoretz announced that the Abalone Advisory Group (AAG) is still working and has formed a technical group to model some of the new and historic data. John also announced that the Department of Fish and Game’s (CDFG) research vessel *Mako* is being refurbished so that it can be functional again. John described the vessel as a good offshore platform. CDFG will be submitting a funding request to the Ocean Protection Council to staff and operate the vessel over the next 3 years and they hope it will be functional this summer. John participated in a workshop in Ottawa Canada on marine protected areas which also included representatives from New Zealand, Australia, and the EU. At the workshop, John learned that Germany has designated 30% of their EEZ as marine protected area though they have not created any regulations for the areas. John next described the timeline for the Marine Life Protection Act (MLPA) in California regions. The MLPA process is currently taking place on the north central coast and five designs are under review. The alternatives have been scientifically reviewed and are now going back to the public. They are expected to go to the Fish and Game Commission in April or May of this year. The next region for the MLPA process will be southern California. Data collection will begin very soon. The last two regions will be the northern part of the state followed by San Francisco Bay.

Russell Galipeau announced that the California Islands Symposium takes place February 5-7, before the Marine Reserves Symposium, and that scientists from Mexico will also be attending. Fortunately, funds were acquired to fund their travel so that we can benefit from their international perspective. Russell reported that the ladder at Santa Barbara Island was ripped out by recent storms. Russell stated that you can still go there (the island is not officially closed) but it is difficult to get access. Russell complimented the Sanctuary for cooperation on recent vessel groundings. The eagle cam will be up and running soon and Russell hopes the mating pair will return again this year. In terms of funding, Russell reported that

they have received additional funds for the Kelp Forest Monitoring Program in 2008. Finally, Russell announced that the recent Congressional omnibus budget bill repealed previous language passed last year within a defense bill that would have prevented the elimination of deer and elk on Santa Rosa Island as per existing agreement. Thus, the non-native deer and elk are to be removed by the private property holder by the close of 2011. There was also a ruling by the 9th Circuit Court of Appeals regarding pig eradication on Santa Cruz Island, with the court ruling in favor of the government.

David Bacon announced that his fishing report is “don’t go!” because of inclement weather and fishing regulations at this time of year.

Linda Krop announced that Venoco has requested permission to continue barging oil produced from Platform Holly until 2013; a State Lands Commission hearing on this will be scheduled soon. Also related to oil spills, on February 6 Riki Ott will be speaking at 7:30 pm at the Faulkner Gallery. She is an expert on the Exxon Valdez oil spill and she has written two books relating to that spill.

Jim Marshall followed up on John Ugoretz’s announcement on the AAG. Jim stated that the fishery modeler that was hired by the AAG and technical panel to model the abalone data for a TAC was funded by money collected from the former abalone fishery group. Jim reports that sea urchin fishing is often not good this time of year due to weather and that lobster season, with catches usually concentrated at the beginning of the season, is starting to wind down.

Donna Schroeder announced that MMS facilitated an oil spill drill on Wednesday January 23, 2008 at their offices in Camarillo. Donna commented that MMS wants to make sure that everyone remains prepared for this type of event, especially in light of the Cosco Busan spill. Donna reported that the drill was specifically focused on wildlife response because that is something that sometimes gets less attention in the immediate response to a crisis.

Andrea Moe announced that although the fishing is not good right now, the whales are great. The gray whales are on their south bound migration. They are seeing some cow calf pairs out there and they recently had two weeks of viewing orcas, including some calves.

Elizabeth Petras announced that the petition to list Loggerhead turtles as a distinct population segment, which she had mentioned at the last meeting, is now in its 12-month review. The petition is to designate the north Pacific population of loggerheads as a distinct population segment and list the species as “endangered” and also to designate critical habitat. Another petition, to list an area off the California coast to central Oregon as critical habitat for leatherback sea turtles, is also in its 12-month review. The area being considered for critical habitat is north of Point Conception and therefore north of the CINMS. A final decision on both of the petitions is expected in the fall. Elizabeth also reported that the new marine mammal Stock Assessment Report that she mentioned at a previous meeting is still not ready but is expected soon.

Bruce Steele announced that four fishermen recently got together with the Council’s Conservation Working Group to discuss ocean acidification, and it was a nice meeting. Bruce announced that he saw the tail of white shark when he was diving the other day and he was glad he didn’t see the “business end” of it!

Melissa Neuman announced that Marty Golden from NMFS is here to discuss artificial reefs. Melissa also introduced Howard Brown from NMFS’ Sacramento Protected Resources Division who is on local detail at Long Beach to work on coordination between NMFS and Sanctuaries. Melissa announced that on January 11, a proposed rule was released to petition Black Abalone to be listed as an endangered species. Melissa said that now is the time to submit public comments on this petition and there is a

NOAA press release in the SAC packet. The press release points to the website where there are more supporting documents available. Melissa explained that the population in the petition is stated as Crescent City to Cabo San Lucas. Melissa clarified that a recent press release from Sea Grant on a disease resistant population at San Nicholas Island was inaccurate. She said that there is some preliminary data that suggest that this may be true but the sample size and methods have not been reviewed and the press release was premature. The data is too limited to be sure whether one small site could support restoring the population. In addition, Melissa stated that the advancement to the north of withering syndrome is of concern to this population.

Scott Dunn announced that he is training to be a Naturalist Corps member. Last weekend he helped some friends with a fundraiser for a tall ship in San Pedro named "*The Bill of Rights*". Scott reports that the intent is to use the vessel for education and outreach and to bring it to local harbors. Scott said that many organizations have offered to help with this effort, including Island Packers who offered to help with booking.

John Ugoretz also added that the Fish and Game Commission is meeting on February 8, 2008 to consider de-listing Brown Pelicans in California.

Report and Proposal by Council Subcommittee on Large Cetaceans and Shipping

CINMS Resource Protection Coordinator Sean Hastings described a proposal from the Council's Subcommittee on Large Cetaceans and Shipping. (The 11 page proposal was distributed to all Council members, made available to the attending public, and will soon be posted on the CINMS web site). Sean explained that about half of the Council's seven-member Subcommittee were able to meet and discuss/approve of the ideas contained within the proposal document. He then walked the Council through the document one section at a time, summarizing the main points.

Sean described the proposal as containing both a short term and a long term task. For the short term, defined as extending from now until the arrival of blue whales this summer, the proposal calls for the Subcommittee to stay together and develop a set of practical recommendations of management actions that could be readily implemented by agencies and other parties. The focus, Sean explained, would be on evaluating the incidents and response from last year and looking for ways to improve response and reduce ship strike risk. The Subcommittee would also provide a scope of work for addressing longer term issues. Sean explained that for the longer term, the proposal suggests that a Council Working Group might later be formed to explore larger issues associated with this issue, perhaps such as other causal factors, speed limits, shipping lane locations, and other aspects.

There was considerable interest expressed by Council members, and much discussion.

Bernardo Broitman described an advanced system used on the east coast to reduce ship strikes on right whales, and suggested that it might be appropriate for the situation at hand.

Eric Kett asked how such a proposal would be funded and what might be the impacts to CINMS operations. Sean Hastings explained that this will be a top CINMS priority, and noted that requests have been made for additional NMSP funding, and that outside sources will be pursued as well.

Eric Kett suggested that perhaps it might be appropriate for the shipping industry to pay for use of the Santa Barbara Channel given the risks posed and the management costs associated with addressing those risks. CINMS Deputy Superintendent Todd Jacobs replied that while in-kind contributions will be sought from other entities, staff are not jumping ahead to long term solutions.

Bob Warner felt that the limited and narrow focus of the Subcommittee made sense for addressing short term issues, but suggested that perhaps for the Working Group looking at longer term solutions the scope of issues should be expanded to include other effects that shipping has on the Sanctuary and the Santa Barbara Channel. Sean Hastings responded that the Subcommittee should consider this as they propose a scope of work for addressing longer term solutions. Chris Mobley added that, as with processes complying with the National Environmental Policy Act (NEPA), it is expected that a range of alternatives would look at an issue a little broader, but also mentioned that the Subcommittee had discussed how the whale ship strike issue is particularly galvanizing at this time for both agencies and the public.

John Ugoretz expressed concern that the proposal characterized the anomalous number of blue whale deaths as “suggestive of a problem,” noting that it is too soon to know if this is a problem. Others, such as Linda Krop, felt that the number of deaths that have already occurred is a problem. Dianne Black subsequently suggested wording changes that ultimately met with agreement by all.

Merit described how he had personally experienced significant fuel savings by reducing his vessel’s speed. He said that speed reductions could be a very pragmatic solution. Merit also suggested that the sitings figures in the proposal could benefit from more of a habitat focus. Chris Mobley responded that moving in that direction is part of the research section of the proposal.

Elizabeth Petras, in response to a comment from Bernardo Broitman, explained that NOAA’s right whale protection measures and technologies in place on the east coast are part of a very comprehensive plan with a long history, and for a population that is significantly reduced in number.

In response to questions from Michelle Gibbs about how whale sitings data is reported to ships, Manny Aschemeyer explained how sitings maps made by CINMS staff were distributed within 24 hours.

Greg Helms expressed hope that the process would take advantage of what has been learned and accomplished at the Stellwagen Bank National Marine Sanctuary.

Melissa Neuman asked if ship speed data could be shared with the Council’s Subcommittee. Sean Hastings replied that we’d like to do this, and hope to enlist more help, probably from the Marine Exchange of Southern California with assistance from UCSB Bren School graduate students helping with reviewing AIS data.

Bruce Steele asked if there had been any consideration of installing a pressure monitoring device on the bow of ships that could detect impacts, and suggested that perhaps some hull types are more problematic than others. Related to this, Todd Jacobs noted that a Scripps student (Megan McKenna) is analyzing AIS data, acoustics, ship types, and that she and colleagues at Scripps hope to also look at the behavioral response of whales to ships and ship noise.

Bob Warner commented that evidence of ship slowdown may not be proof of effectiveness.

Elizabeth Petras explained that the Potential Biological Reduction (PBR) level for blue whales was 1.4 per year, but is being revised to 1. She explained that this is adjusted based on population survey data, which can vary over time due to conditions when the surveys are conducted. Bruce Steele noted that it is a problem that so many blue whales were killed when the PBR is at only 1, and commented further that it was a fishery we were talking about it then things would be very bad.

A motion introduced by Eric Kett and seconded by Manny Aschemeyer, then amended to capture a variety of suggestions made by Council members, proposed that the Council endorse the Subcommittee

process proposal as a working document, provided that the following changes be made: 1) edit one sentence referring to the recent blue whale deaths as being “suggestive of a problem” to an incident that “warrants additional research”; 2) add CINP Superintendent Russell Galipeau to the Subcommittee roster; 3) amend Linda Krop’s listing on the Subcommittee to include her Council conservation seat and Conservation Working Group affiliation; and 4) add “timely reporting of whale sightings data” to the proposal’s list of potential strategies.

The motion passed with the following voting results: 16 yes, 0 abstain, and 0 no.

Leslie Abramson from the UCSB Bren School of Environmental Science and Management introduced herself and described a proposed graduate student team project. The project would essentially assist the Council, the Subcommittee and the staff in investigating this issue and developing recommendations. She mentioned that the project had not yet been approved by the School, and that letters of support could be helpful.

A second motion by Linda Krop recommended that the Council Chair write a letter to the UCSB Bren School expressing enthusiastic support for the proposed Bren student project aimed at assisting with this issue. The motion passed with the following voting results: 15 yes, 1 abstain (California Department of Fish and Game), and 0 no.

Public Comment (1st of 2)

Howard Brown introduced himself to the Advisory Council. Howard is from NOAA’s National Marine Fisheries Service (NMFS) Protected Resources Division office in Sacramento, and is on local detail at the NMFS regional office in Long Beach. He described his assignment as working on enhancing coordination between the NMFS Office of Protected Resources and national marine sanctuaries.

NOAA Artificial Reef Policies

Mike Murray, CINMS Advisory Council Coordinator, provided a presentation on NMSP artificial reef permitting guidelines.

For background, Mike explained that National Marine Sanctuary Program (NMSP) regulations generally prohibit placing structures on sanctuary submerged lands, and discharging or depositing any material or matter (with some exceptions). He also explained that to establish an artificial reef inside a national marine sanctuary requires approval from the NMSP via issuance of a permit. Mike mentioned that within the NMSP, only the Florida Keys Sanctuary has approved such structures.

Mike said that the NMSP developed permitting guidelines specific for artificial reef applications in response to an increasing number of permit applications, and to ensure that applications to establish artificial reefs in sanctuaries are reviewed consistently and in a manner that adheres to the NMSA and NMSP regulations.

NOAA published draft Artificial Reef Policy and Permitting Guidelines in July 2003. Mike shared that a variety of comments were received from State of Florida (2 Departments), Ocean Wave Energy Company, Reefmakers (consulting firm), United Anglers of Southern California, and The Ocean Conservancy. Mike explained that it was then in September 2005 that NOAA published a final policy statement and responds to comments.

Mike read the purpose statement for the policy associated with the NMSP's artificial reef permitting guidelines, as follows: "The purpose of this policy is to address how the National Marine Sanctuary Program (NMSP) will consider proposals to establish artificial reefs in sanctuaries. This policy is meant to build upon, not replace, the NOAA Fisheries National Artificial Reef Plan developed in accordance with the National Fishing Enhancement Act. Nothing in this policy is meant to conflict with that Plan or that Act and this policy only applies to activities within designated national marine sanctuaries."

Summarizing portions of the permitting guidelines, Mike read from the document that "Artificial reef development in national marine sanctuaries may, under certain circumstances, be an acceptable multiple use activity for educational, research, and resource management purposes. Since the positive and negative impacts of artificial reefs are not entirely understood, the NMSP will proceed cautiously in considering permits for artificial reef development in national marine sanctuaries..."

Mike also explained that the NMSP defines artificial reef development as "...the act of deliberately placing any material or matter in an area of the marine environment where that structure does not exist under natural circumstances for the purpose of protecting, regenerating, concentrating or increasing populations of living marine resources, or for enhanced recreational, commercial, or educational use of the area"

Mike then read the NMSP artificial reef policy statement: "It is the policy of the NMSP to review permit applications for artificial reef development consistent with the guidelines contained herein. The NMSP will approve applications for artificial reef development projects only when they are found to be consistent with the criteria described in these guidelines."

Mike went on to point out the various requirements for one to submit a completed permit application, noting that it included a monitoring plan and an analysis of environmental consequences.

With regard to permit authority, Mike explained that the NMSP could approach a permit in one of three possible ways:

1. By regulatory Permit, which are issued pursuant to site-specific Sanctuary regulations. Mike noted that at CINMS, allowable permit types are research, education, salvage, and management of the Sanctuary.
2. By authorization of other government agency approvals, which is an authority that exists only at some sanctuaries (but not at CINMS). Mike noted that with this approach a sanctuary may add additional terms and conditions to a permit.
3. By Special Use Permit, issued pursuant to section 310 of the NMSA. Mike explained that such permits may be issued to establish conditions of access to and use of a Sanctuary resource, or to promote public use or understanding, and must be compatible with the Sanctuary's purpose, with resource protection, and so as not to injure Sanctuary resources.

Mike explained that completed permit applications will be reviewed based on the following criteria:

- Professional and financial responsibility of applicant
- Appropriateness of methods proposed
- Need for activity to be located within the sanctuary
- Extent the activity will diminish or enhance the values of the sanctuary
- Duration of activity and effects
- Cumulative effects
- Impacts on adjacent Indian tribes
- Considering the end value of the activity
- Other matters (e.g., socio-economic effects, human safety concerns)

Mike also acknowledged that there are a number of other federal legal requirements that would likely come into play were there a proposed artificial reef within a national marine sanctuary, including:

- National Environmental Policy Act
- Coastal Zone Management Act, Federal Consistency Provisions
- Section 106 of the National Historic Preservation Act
- Section 7 of the Endangered Species Act
- Magnuson-Stevens Act, Essential Fish Habitat (EFH) Amendments
- Marine Mammal Protection Act

Mike also pointed out that an appendix within the NMSP artificial reef permitting guidelines document provides additional information on some of the issues that are not fully resolved, including questions such as:

- Do artificial reefs reduce pressure on natural reefs?
- Do they result in greater production of fish or simply aggregate fish from other reefs?
- Do the biological communities on the artificial reefs mimic those of natural reefs?

Mike concluded by letting the Council know that an interest group has recently expressed a desire to sink a vessel within the Monterey Bay National Marine Sanctuary to create a wreck dive site and create additional habitat for fish and invertebrates. Mike explained that the MBNMS staff have noted a number of concerns they have with the proposal, and that the group is still interest in pursuing the project.

Next, Marty Golden with the Southwest Region of the National Marine Fisheries Service spoke to the Advisory Council about the National Fishing Enhancement Act and the National Artificial Reef Plan.

Marty explained that the National Fishing Enhancement Act directed federal agencies in ways to facilitate consideration of artificial reefs. The National Artificial Reef Plan, he explained, provides a set of guidelines but it is not policy, and does not contain regulations.

Marty talked about how proposals for artificial reefs are accepted by the Army Corps of Engineers, and are usually submitted by state departments. Such proposals, he added, are then sent out to a variety of state and federal agencies, which provide input. The Army Corps of Engineers uses those comments to make a decision on the proposal.

Marty also explained that NMFS also becomes involved in mitigation projects that include artificial reefs. NMFS can also consider artificial reefs to mitigate impacts on the environment, he said.

Next, Melissa Neuman, also with the Southwest Region of the National Marine Fisheries Service, described the NOAA Restoration Center, which is involved in the Montrose mitigation settlement. One of the injuries identified in the Montrose case, she explained, was a loss of recreational fishing opportunities, noting that one of the groups most impacted were people who fish from piers. Mitigation is to provide fishing opportunities to this group by establishing reefs near shore, and artificial reefs are being proposed at three piers in southern California.

John Ugoretz, in response to a question from Chris Mobley, explained that there is currently one biologist position in the state's artificial reef program. Currently, the artificial reef at San Onofre is in a build out phase, where it is being expanded. The current biologist position in the artificial reefs program is vacant. Artificial reef proposals come in waves in terms of numbers submitted, John explained. Currently, a proposal is being considered at Pietas Point in Ventura County as mitigation for hard bottom habitat. With regard to the "Ships2Reefs" proposal in Monterey, John explained that CDFG does not consider ships artificial reefs as they are not an appropriate replication of hard bottom habitat.

In response to a question, Mike Murray stated that CINMS has never received a proposal for artificial installation within the Sanctuary.

In response to a question, Marty Golden stated that there have been some studies where certain artificial reefs were established but not fished in order to look at their other impacts.

Russell Galipeau stated given overlapping Park and Sanctuary boundaries that the Channel Islands National Park should be contacted immediately if the NMSP is given or considers an artificial reef proposal.

Bob Warner asked if the State has analyzed the reefs that have been established in California's waters. John Ugoretz responded that some reefs have been researched extensively, particularly at San Onofre where artificial reefs have been compared with natural habitat. John added that CDFG has the coordinates of all artificial reefs, which are available to the public.

In response to further questions, John Ugoretz mentioned that in California the state is still deciding if oil rigs can function as artificial reef. Right now, rigs left in place are not considered artificial reefs but this topic is currently being discussed. Marty Golden added that if rigs are to be considered artificial reefs, it will require extensive discussions and possibly new legislation.

Artificial Reef Letter Proposal by Recreational Fishing Seat

Capt. David Bacon thanked the Council for the opportunity to put this item on the agenda. He began by emphasizing that recreational fishing groups see artificial reefs as having great value. Capt. David then listed a number of recreational fishing organizations that support the a draft statement he had prepared, including the Recreational Fishing Alliance, Sportfishing Associations of California, United Anglers of Southern California, Channel Islands Yacht Club, All Coasters, and Santa Barbara Sport Fishing Club.

Capt. David then read the statement:

"The recreational fishing community supports the concept of artificial reefing as a means to add and enhance recreational fishing opportunities (as described and supported by the California Department of Fish & Game) both in areas where there are few natural reefs and also to replace lost fishing opportunities resulting from placement of Marine Protected Areas.

We ask and advise the Channel Islands Marine Sanctuary staff to accept and work cooperatively toward permitting proposals for artificial reefing within the Sanctuary providing they pose no direct threat to Sanctuary resources. We also ask and advise the Sanctuary staff to actively support proposals for reefing projects outside of Sanctuary boundaries providing they pose no direct threat to Sanctuary resources.

The recreational fishing community requests the support of the Channel Islands Marine Sanctuary Advisory Council in reviewing reefing proposals - along with Sanctuary staff - and offering input on how proposals could reasonably be altered to be permitted or supported."

Capt. David emphasized the last part of the statement that requests SAC assistance in reviewing reefing proposals. He stated that he does not have a reef proposal so he is looking for general support, not for something specific. He also emphasized that there are safeguards in place, such as the NMSP permit process. Capt. David said that he and his working group do not want to see just anything dumped in the

ocean and called a reef, and that they have learned from previous studies and projects that not all reef designs are beneficial. He reminded the Council of the presentation that John Ugoretz gave to the Council at the last meeting, noting that John had said the CDFG would consider proposals.

Capt. David then referenced his revised proposed Council letter, which was provided to all, and summarized part of it. Capt. David pointed to the changes made in the revised letter and specifically read the revised end section of the letter: "Therefore the Sanctuary Advisory Council advises the CINMS Superintendent that we are willing to look at artificial reefing proposals – within and without the Sanctuary - along with Staff, with an open mind toward permitting projects which satisfy the NMSP Artificial Reef Permitting Guidelines, will not endanger the protected resources of the Sanctuary and offer local value in terms of recreational fishing, education, or research opportunities."

John Ugoretz agreed that the last paragraph of the letter is improved and offered some area for technical and grammatical improvement. John disagreed that artificial reefs would be needed as mitigation for marine reserves establishment. John explained that if a vote is held on the proposed letter then he would be abstaining because CDFG is a permitting agency for artificial reefs.

Bob Warner expressed appreciation for the presentations on artificial reefs. Bob agreed that there is evidence that artificial reefs can enhance fishing. However, he said, sanctuaries are special places with specific prohibitions on bottom habitat alteration. Bob said he thinks that artificial reefs outside sanctuaries are fine but that artificial reefs go against the spirit of sanctuaries. In sanctuaries, he said, there are other opportunities to enhance fish populations, adding that around the Channel Islands there is a lot of hard bottom habitat. Bob said that in outside the Sanctuary in areas that are hard-bottom habitat limited, reefs could be OK.

Linda Krop stated that she reviewed the proposed letter with the Conservation Working Group and they raised some of the same issues that Bob Warner raised. The main question they had, she said, was why the Council is being asked to support this statement at this time. In the past, Linda pointed out, threats were identified in advance of the issue being brought before the Council. Linda said that the past two meetings have been very informative on this issue and she as learned that there are already processes and permit requirements in place to handle the issue, and there is already research being done. She explained that the Conservation Working Group failed to see the need to support this letter. Linda also expressed concern that the letter was written so broadly that it could be misused in the future.

Jim Marshall said that he agreed with Linda and wondered how beneficial the Council's support could actually be in terms of their role as advisors to the Superintendent. Jim also said that he doesn't think that the letter would change anything that is already in place.

Dianne Black read a comment note from Russell Galipeau, who had to leave the meeting early. Russell's comment stated that the Channel Islands National Park could not support the proposed letter as written, pointed out that the preservation and protection of existing habitat is key, mentioned that where habitat has been lost then ecological restoration may be considered, and stated that the National Park Service could not support reefs within the Park's boundary.

Donna Schroeder agreed with John Ugoretz that the last paragraph of the proposed letter is confusing (especially with regard to asking for the Council to look at artificial reef proposals "without the Sanctuary") and said she could not support the letter as it is written.

John Ugoretz offered a motion to table the proposed letter until such time that a project is proposed within the sanctuary boundary. He explained that he thinks a vote on this letter is premature, and that a "no" vote could inappropriately be read as a vote against reefs.

Dianne Black seconded the motion, and asked for an amendment that the Council ask staff to bring to the SAC any proposals on artificial reefs. John Ugoretz agreed to the suggested amendment.

Capt. David Bacon, after conferring with Merit McCrea, indicated that this would be acceptable to him.

Dianne Black called for a voice vote on the motion, which passed unanimously.

Chris Mobley agreed that staff would bring artificial reef proposals to the attention of the Council as soon as they become aware of a proposal.

Updates on Marine Reserves and Conservation Areas

John Ugoretz provided a report on completion of State action to incorporate gap areas into the marine reserves network. John announced that as of December 17, 2007 state law had taken legal effect such that the gap areas were now officially included within the marine protected area network, meaning that the entire network is now completely established.

John went on to say that the Channel Islands MPAs will be looked again when the state's Marine Life Protection Act process comes to southern California this year. He suggested that an MLPA presentation should probably be provided to the SAC.

John pointed out the new version of the Sanctuary's Protecting Your Channel Islands brochure, which now includes maps and coordinates for the entire MPA network.

Sean Hastings mentioned that staff are working with NOAA Charting to get the state and federal MPAs added to NOAA nautical charts.

Sean Hastings described the Channel Islands MPA Special Symposium (Feb. 7-8, 2008) and encouraged all Council members to attend. John Ugoretz extended a special thanks to Satie Airame, Dani Lipski and others that have been working very hard to pull together the MPA symposium.

Advisory Council Work Plan for 2008

Mike Murray explained how a Council work plan is used by the Executive Committee to help create meeting agendas. Mike also explained how he discussed possible work topics with staff and considered unfinished Council work tasks from the previous year to create a list of tasks that staff would like to ask the Council for assistance with (which was distributed to all members). Mike briefly explained each item in the list.

Council members discussed various ways that the items could be ranked, but then settled on a "high", "medium", "low" approach.

Through Council discussions the following topics and tasks were either added to the draft work plan or discussed further.

- Renewable energy – Wind and Wave projects. Scott Dunn suggested that staff bring such projects to the Council should they emerge in the CINMS area.

- Proposed black abalone listing under Endangered Species Act. Melissa Neuman suggested adding this item.
- Ocean acidification. Bruce Steele emphasized the importance of this proposed work plan topic.

Council members then spent a few minutes evaluating the potential items, ranking them, and then submit their evaluations to Mike.

Dianne Black asked that staff compile the rankings and additional Council input into a work plan that can be brought back to the Council on March 14th for adoption.

Public Comment (2nd of 2)

Shiva Polefka with the Environmental Defense Council suggested that the Council raise and ask that ocean acidification be discussed at the SAC Chair's annual meeting in May.

Leslie Purcell asked if LNG is something that the group discusses. Dianne Black and Linda Krop responded that it has been addressed by the Council in the past and may come up again as projects such as the proposed Clearwater Port develop.

Paul Petrich asked about what ocean acidification topic will cover, to which Linda Krop indicated would be discussed later in the meeting during the Conservation Working Group's report.

Preparation for SAC Chairs Annual Meeting

Part 1 – Comments on Draft Meeting Agenda

A variety of comments and suggestions were made on the annual SAC Chairs draft meeting agenda. Suggestions for topics that could be brought up/discussed nationally (perhaps during the Open Session item, or as separate agenda items), included:

- Ocean acidification (as a cross-cutting concern, something the NMSP might like to look into as part of the Program's larger climate change priority, and something other Councils/sites might like to learn more about). It was also suggested that Dianne Black could mention some examples of problems seen at CINMS with warmer waters, such as the spread of withering foot disease in black abalone, mass die offs of purple urchins and sea stars, and coralline algae bleaching.
- Whale entanglement (as something that affects nearly all Sanctuaries)
- How can significant Advisory Council accomplishments be highlighted and shared with all Councils throughout the course of the year?
- NOAA OAR research and how it could benefit sanctuaries in a cross-cutting way, such that research coordination is increased and research redundancy is decreased.

Other topics that Council members wanted to know more about from other sanctuaries included:

- How member recruitment is conducted so that new people can be found and membership diversity is promoted
- Do other Councils receive "office" reports, or "Superintendent's" reports, and could interested CINMS Council members receive a copy?
- Can a contact list be obtained for other Advisory Council working group chairs?

Another suggestion, from Michelle Gibbs, concerned the management plan revision process agenda item, and recommended that the NMSP find a way to implement NOAA review clearance procedures that are more streamlined.

Part 2 – West Coast Regional Case Study

A handout was provided to Council members that included a list of several possible topics for a west-coast case study to be presented at the SAC Chairs meeting.

Several members expressed support for the topic of “Whale Issues” because it seemed like all five west coast sanctuaries could have one or more aspects to offer (e.g., entanglement issues, noise impact studies, ship strikes).

It was understood that Mike Murray will relay the Council’s comments to the West Coast Regional Superintendent.

Part 3 – Blue Seas/Green Communities Initiative

The Council expressed interest in pursuing this NMSP initiative, with the understanding that some financial support might be available from NMSP headquarters.

It was decided that a subcommittee form to take on the task of coming up with a recommended project, to be proposed to the Advisory Council on March 14.

Council members that volunteered to be on the new Subcommittee were Eric Kett, Bruce Steele and Scott Dunn.

Sanctuary Advisory Council Discussion Tools

Scott Dunn introduced this agenda item and explained that during recent email communications on the SAC list-serve, one outcome was the creation of a separate blue whale issue list serve created by Timothy Tyndall with the Regional Alliance for Information Networking (RAIN). Scott explained that based on email exchanges he had with Linda Krop, he proposes that an additional list serve be created just for SAC discussions, and which members could join optionally.

John Ugoretz suggested that a chat room format might be a better alternative so you don’t have to receive all the emails. Eric Kett agreed. Scott agreed that this would be a good option. Bernardo Broitman said that “Google Group” might be even more flexible.

Bob Warner expressed a preference to receive a periodic digest of discussion topics.

Dianne Black expressed concerns about California’s Brown Act, which as a County employee would prevent her from professionally participating in many types of non-public meetings. John Ugoretz said he shared those same concerns.

Chris Mobley said that when he first came to CINMS the Advisory Council discussions were more divisive, and that he has appreciated how over time a lot of people have worked hard to successfully change that. He went on to say that in his experience email communications often quickly degrade the quality of communication, and the getting together in person is more personal.

Mike Murray was asked to summarize the relevant rules and guidance affecting the SAC. Mike explained that SAC meetings should be public and transparent. He also pointed out that any list serve requires someone to take on the duties of list administrator.

Melissa Neuman suggested that perhaps members could work on responding to select individuals rather than to the whole SAC list-serv.

Bernardo Broitman added that there is a lot of technology available to tailor group discussions, including filters and digests.

Dianne Black expressed her discomfort with the lack of transparency to the public if a list serve is used, adding that if anything she would prefer the approach of a webpage and chat room that the public could access.

Melissa Neuman asked if member to member communication is a violation of any rules. Dianne Black clarified that it is not.

John Ugoretz suggested that the SAC not take action on Scott's proposal, but said that if someone wants to take this up on their own, that would be fine.

Linda Krop said that she would not want people to discuss an item over email and then think that it has been decided.

Elizabeth Petras asked about the implications of SAC communications and FOIA. Mike Murray said that he wasn't sure but could look into it.

Scott pointed out that there are controls that can be set up to address many of the concerns raised. He added that he is motivated to set up his own discussion forum. Scott then said he would like to withdraw his request to the Council.

Dianne summarized that Scott intends to set up his own discussion forum, that SAC members can participate if they want to, and that it will not be able to be officially hosted or sanctioned by the Sanctuary.

Working Group Reports

Conservation Working Group

- Linda Krop reported that the Conservation Working Group met on January 22nd and heard from Julia Forgie, an EDC intern, who reviewed her preliminary draft of a report on ocean acidification. Linda also thanks Bruce Steele and the other commercial fishermen that attended the meeting and have agreed to work with the group on the ocean acidification issue. The Working Group, Linda said, agreed on the need to develop recommendations pertaining to education, science, and policy. Linda mentioned that they would like to consult with the SET regarding ideas for education, and also consult with the RAP. Linda said that the working group will try to bring a draft report on ocean acidification to the March 14th SAC meeting. Bruce Steele added that perhaps the SAC could consider the idea of hosting a workshop on this topic.

Recreational Fishing Working Group

- Captain David Bacon said that anglers are concerned about a recent socioeconomic survey that contains a question dealing with the amount of taxes one would be willing to accept in order to support a closed area. He said there are many concerns about this kind of idea.

Commercial Fishing Working Group

- Bruce Steele mentioned that some commercial fishermen attended the last meeting of the Conservation Working Group, and that they will try to keep it up.

Research Activities Panel Working Group

- Bob Warner reported that most RAP members have been heavily involved in preparing for the February 7-8 Channel Islands MPA Symposium. He also said that he would like to bring the Conservation Working Group's draft ocean acidification report to the RAP. Bernardo Broitman added that one way to think about global warming ocean issues is that our understanding is about 10 years behind that of other aspects of global warming.

Chumash Community Working Group

- No report was provided (representatives absent). However, Melissa Neuman with the National Marine Fisheries Service (NMFS) did announce that whale bones have now been successfully reserved by NMFS for use by the Wishtoyo Foundation.

Future Meeting Schedule

- Chair Dianne Black proposed that the May 16 SAC meeting date be changed due to a conflict with the annual SAC Chairs meeting taking place that same week on the east coast. The Council agreed upon Friday May 30th as the rescheduled meeting date.
- Schedule for upcoming 2008 meetings:
 - Friday, **March 14**, 2008: SAC Meeting, Ventura
 - May 13-15, 2008: SAC Chairs Meeting, Newport News, Virginia (SAC Chair attending)
 - Friday, **May 30**, 2008: SAC Meeting, Santa Barbara
 - Friday, **July 18**, 2008: SAC Meeting, Ventura
 - Friday, **September 19**, 2008: SAC Meeting, Santa Barbara
 - Friday, **November 14**, 2008: SAC Meeting, Ventura

Meeting highlights respectfully submitted by Channel Islands National Marine Sanctuary staff:

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